

04/21/01 U.S. Patent & Trademark Office

Please type a plus sign (+) inside this box →

PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE PATENT APPLICATION TRANSMITTAL

Address to: Assistant Commissioner for Patents Box Reissue Washington, DC 20231	Attorney Docket No.	STOCOM P05AUSRI
	First Named Inventor	Andras SARKOZY et al.
	Original Patent Number	5,893,919
	Original Patent Issue Date (Month/Day/Year)	April 13, 1999
	Express Mail Label No.	1

APPLICATION FOR REISSUE OF: Utility Patent Design Patent Plant Patent

(Check applicable box)

APPLICATION ELEMENTS (37 CFR 1.173)		ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (PTO/ SB/ 56) (Submit an original, and a duplicate for fee processing)	10. <input type="checkbox"/> Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).	
2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	11. <input type="checkbox"/> Original U.S. Patent for surrender <input type="checkbox"/> Ribboned Original Patent Grant <input type="checkbox"/> Statement of Loss (PTO/SB/55)	
3. <input checked="" type="checkbox"/> Specification and Claims in double column copy of patent format (amended, if appropriate)	12. <input type="checkbox"/> Foreign Priority Claim (35 U.S.C. 119) (if applicable)	
4. <input checked="" type="checkbox"/> Drawing(s) (proposed amendments, if appropriate)	13. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations	
5. <input checked="" type="checkbox"/> Reissue Oath/Declaration (original or copy) (37 C.F.R. § 1.175) (PTO/SB/51 or 52) (unsigned)	14. <input type="checkbox"/> English Translation of Reissue Oath/Declaration (if applicable)	
6. <input type="checkbox"/> Power of Attorney	15. <input checked="" type="checkbox"/> Preliminary Amendment	
7. Original U.S. Patent currently assigned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, check applicable box(es))	16. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
<input checked="" type="checkbox"/> Written Consent of all Assignees (PTO/SB/53)	17. Other:	
<input checked="" type="checkbox"/> 37 C.F.R. § 3.73(b) Statement (PTO/SB/96)		
8. <input type="checkbox"/> CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table		
9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all of the following are necessary)		
a. <input type="checkbox"/> Computer Readable Form (CFR)		
b. Specification Sequence Listing on: i <input type="checkbox"/> CD-ROM (2 copies) or CD-R (2 copies); or ii <input type="checkbox"/> paper		
c. <input type="checkbox"/> Statements verifying identity of above copies		

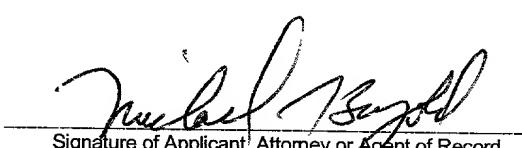
18. CORRESPONDENCE ADDRESS		PATENT & TRADEMARK OFFICE		
<input checked="" type="checkbox"/> Customer Number or Bar Code Label				
Name				
Address	020210			
City	State	Zip Code	Fax	
Country	Telephone			

NAME (Print/Type)	Michael J. Bjold	Registration No. (Attorney/Agent)	32,018
Signature		Date	4/12/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

09/832812 04/12/01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION FEE TRANSMITTAL FORM					Docket Number (Optional) STOCOM P05AUSRI			
Claims as Filed - Part 1								
Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 10	Total Claims (37 CFR 1.16(j))	(B) 10	**** 0 =	x \$ 0 =	0	or	x \$ _____ =	
(C) 4	Independent claims (37 CFR 1.16(i))	(D) 4	* 0 =	x \$ 0 =	0		x \$ _____ =	
				Basic Fee (37 CFR 1.16(h)) \$ 355				\$ _____
				Total Filing Fee \$ 355		OR	\$ _____	
Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	*** 34	MINUS	** 20	* = 14	x \$ 9 =	126	or	x \$ _____ =
Independent Claims (37 CFR 1.16(i))	*** 8	MINUS	***** 3	= 5	x \$ 40 =	200		x \$ _____ =
				Total Additional Fee \$ 326		OR		\$ _____
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p>								
<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 04-0213 A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> A check in the amount of \$ 681 _____ to cover the filing / additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>								
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.								
<p>4/12/01 Date</p> <p> Signature of Applicant, Attorney or Agent of Record</p> <p>Michael J. Bujold Typed or printed name</p>								

04/11/01

PATENT REGISTRATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

J1040 U.S. PRO
J109/832812 04/12/01

In re Application of : Andras SARKOZY, John O'BRIEN and
Gregory FLYNN
Patent No. : 5,893,919
Dated : April 13, 1999
Serial no. : 08/721,090
Filed : September 27, 1996
For : APPARATUS AND METHOD FOR STORING DATA
WITH SELECTABLE DATA PROTECTION USING
MIRRORING AND SELECTABLE PARITY INHIBITION
Group Art Unit : 2751
Examiner : Hong Kim
Docket : STOCOM P05AUSRI

BOX REISSUE

The Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTICE OF LITIGATION

Dear Sir:

Enclosed for filing are the following papers relating to the application for a broadening reissue of United States Patent No. 5,893,919 entitled, APPARATUS AND METHOD FOR STORING DATA WITH SELECTABLE DATA PROTECTION USING MIRRORING AND SELECTABLE PARITY INHIBITION, Andreas SARKOZY, John O'BRIEN and Gregory FLYNN, inventors:

- (1) Reissue Application Transmittal - 2pgs;
- (2) Specification - 13pgs, including face page of issued patent;
- (3) Unexecuted Declaration and Power of Attorney - 4pgs;
- (4) Formal Drawings -7 sheets;
- (5) Assent to Application for Reissue and Offer to Surrender - 2pgs;
- (6) Certificate under 37 C.F.R. § 3.73(b) - 2pgs and Copy of Recorded Assignment Documents - 3pgs;
- (7) Check in the amount of \$681.00 to cover the filing fee of the Reissue Application as well as the costs of the additional claims; and
- (8) Preliminary Amendment - 8pgs.

5,893,919

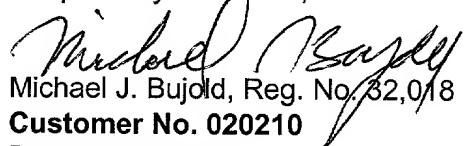
NOTICE OF LITIGATION

United States Patent No. 5,893,919 is the subject of a complaint for Patent Infringement filed on March 22, 2001 by Plaintiff, Storage Computer Corporation, against defendant, Xiotech Corporation and Seagate Technology, Inc. in the United States District Court for the Northern District of Texas, Civil Action No. 3-01CV0555-M.

While there is concurrent litigation related to this reissue application, the Applicants request that action in this reissue application not be stayed and that this reissue application be examined at this time.

All correspondence is to be directed to the Applicant's attorneys address listed below.

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Andras SARKOZY, John O'BRIEN and
Gregory FLYNN
Reissue Application for reissue of U.S.
Patent 5,893,919, Issued: April 13, 1999

For: APPARATUS AND METHOD FOR
STORING DATA WITH SELECTABLE
DATA PROTECTION USING
MIRRORING AND SELECTABLE
PARITY INHIBITION

Reissue Serial No.: Not yet assigned

Filed: Concurrently

Group Art Unit: Unknown

Docket No.: STOCOM.P05AUSRI

Examiner: Unknown

Assistant Director
for Patents
Washington, D.C. 20231

**ASSENT TO APPLICATION FOR REISSUE OF U.S. PATENT NO. 5,893,919
AND OFFER TO SURRENDER U.S. PATENT 5,893,919**

Pursuant to 37 C.F.R. § 1.172, Storage Computer Corporation, as assignee of the entire right, title and interest in and to U.S. Patent 5,893,919, entitled APPARATUS AND METHOD FOR STORING DATA WITH SELECTABLE DATA PROTECTION USING MIRRORING AND SELECTABLE PARITY INHIBITION, hereby assent to the Application for Reissue of U.S. Patent No. 5,893,919, issued April 13, 1999.

Pursuant to 37 C.F.R. § 1.178, assignee, Storage Computer Corporation, hereby offers to surrender U.S. Patent 5,893,919 upon notification of the allowability of said Application for Reissue.

Docket No.: STOCOM P05AUSRI

A certificate under 37 C.F.R. § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

I am authorized to act on behalf of the assignee.

STORAGE COMPUTER CORPORATION

Name of Assignee:

Edward A. Gardner, PRESIDENT Date: April 11, 2001

Signature of person signing for assignee:

EDWARD A. GARDNER, PRESIDENT

Printed name and title of person signing for assignee:

SEARCHED SERIALIZED INDEXED FILED
APR 11 2001

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicants: Andras SARKOZY, John O'BRIEN and Gregory FLYNN

U.S. Patent No. 5,893,919 Issue Date: April 13, 1999

Entitled: APPARATUS AND METHOD FOR STORING DATA WITH
SELECTABLE DATA PROTECTION USING MIRRORING
AND SELECTABLE PARITY INHIBITION

Name of Assignee: STORAGE COMPUTER CORPORATION, a corporation,

states that it is the assignee of the entire right, title, and interest in the patent application/patent identified above by virtue of a chain of title from the inventors, of the patent application/patent identified above, to the current assignee as shown below:

1. From: Andras SARKOZY
To: STORAGE COMPUTER CORPORATION
The document was recorded in the Patent and Trademark Office on
Reel 8374, Frame 0492, for which a copy thereof is attached.
2. From: John O'BRIEN
To: STORAGE COMPUTER CORPORATION
The document was recorded in the Patent and Trademark Office on
Reel 8374, Frame 0492, for which a copy thereof is attached.
3. From: Gregory FLYNN
To: STORAGE COMPUTER CORPORATION
The document was recorded in the Patent and Trademark Office on
Reel 8374, Frame 0492, for which a copy thereof is attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Docket No.: STOCOM P05AUSRI

Pursuant to requirements of 37 C.F.R. §1.68, I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: APRIL 11, 2001

Title: PRESIDENT

Typed or printed name: EDWARD A. GARDNER

Signature: Edward A. Gardner, PRESIDENT